

1 Traeger Machetanz, Esq.
Thomas R. Krider, Esq.
2 OLES MORRISON RINKER & BAKER, LLP
745 Fourth Avenue, Suite 502
3 Anchorage, AK 99501-2136
Telephone: (907) 258-0106
4 Telecopier: (907) 258-5519

5 Attorneys for Nugget Construction Co., Inc.,
6 and USF&G, Defendants

7 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

8 UNITED STATES OF AMERICA for the)
use of NORTH STAR TERMINAL &)
9 STEVEDORE COMPANY, d/b/a NORTHERN)
STEVEDORING & HANDLING, and NORTH)
10 STAR TERMINAL & STEVEDORE COMPANY,)
d/b/a Northern Stevedoring &)
11 Handling, on its own behalf,)

No. A98-009 CIV (HRH)

12 Plaintiffs,)

13 and)

14 UNITED STATES OF AMERICA for the)
use of SHORESIDE PETROLEUM, INC.,)
15 d/b/a Marathon Fuel Service, and)
SHORESIDE PETROLEUM, INC., d/b/a)
16 Marathon Fuel Service, on its own)
behalf,)

17 Intervening Plaintiffs,)

18 and)

19 METCO, INC.,)

20 Intervening Plaintiff,)

21 vs.)

22 NUGGET CONSTRUCTION, INC.; SPENCER)
ROCK PRODUCTS, INC.; UNITED)
23 STATES FIDELITY AND GUARANTY)
COMPANY; and ROBERT A. LAPORE,)

24 Defendants.)
25

NUGGET CONSTRUCTION,
INC.'S AND UNITED STATES
FIDELITY & GUARANTY
CO., INC.'S MOTION FOR
SUMMARY JUDGMENT AGAINST
SHORESIDE PETROLUEM, INC.

1 Defendants Nugget Construction, Inc., and United States
2 Fidelity & Guaranty, by and through their attorneys, Oles
3 Morrison Rinker & Baker LLP, hereby move for summary judgment
4 against plaintiff Shoreside Petroleum, Inc. on all of its claims
5 under Alaska state law. This motion is supported by points and
6 authorities in the attached memorandum and the exhibits attached
7 thereto.

8
9 Dated: April 24, 2006

OLES MORRISON RINKER & BAKER LLP
Attorneys for Nugget Construction,
Inc., and United States
Fidelity and Guaranty Co.

10
11
12
13 By: s/Thomas R. Krider
14 Thomas R. Krider
15 krider@oles.com
16 Washington Bar No. 29490
17 745 West 4th Avenue, Suite 502
18 Anchorage, AK 99501
19 Phone: (907) 258-0106
20 Fax: (907) 258-5519
21
22
23
24
25

U.S. ex rel. North Star, et al. v. Nugget Construction, et al.
Case No. A98-009 CIV (HRH)
Nugget Construction, Inc.'s Motion for Summary Judgment Against Shoreside
Petroleum, Inc. -- Page 2 of 3

1 CERTIFICATE OF SERVICE

2 I hereby certify that on this 24th
3 day of April, 2006, a true and
4 correct
5 copy of the foregoing was served

6 electronically, via ECF on:

7 Michael W. Sewright, Esq.
8 mws@bpk.com
9 Burr, Pease & Kurtz
10 810 N Street
11 Anchorage, AK 99501

12 Steven J. Shamburek, Esq.
13 shamburek@gci.net
14 Law Office of Steven J. Shamburek
15 425 G Street, Suite 630
16 Anchorage, AK 99501-5872

17 Paul Stockler, Esq.
18 paulstockler@aol.com
19 1309 West 16th Avenue
20 Anchorage, AK 99501

21 Herbert A. Viergutz, Esq.
22 barmar@gci.net
23 Barokas Martin & Tomlinson
24 1029 West Third, Suite 280
25 Anchorage, AK 99501

 and by U.S. Mail on:

 C. Patrick Stoll, Esq.
 Herrig Vogt & Stoll LLP
 4210 Douglas Bay Blvd., Suite 100
 Granite Bay, CA 95746-5902

 OLES MORRISON RINKER & BAKER LLP

By: s/Thomas R. Krider

P JAD Motion Summary Judgment Shoreside State Law 99310.0002.doc

U.S. ex rel. North Star, et al. v. Nugget Construction, et al.
Case No. A98-009 CIV (HRH)
Nugget Construction, Inc.'s Motion for Summary Judgment Against Shoreside
Petroleum, Inc. -- Page 3 of 3